

**§ 154.710 Persons in charge: Designation and qualification.**

No person may serve, and the facility operator may not use the services of a person, as person in charge of facility transfer operations unless:

(a) The facility operator has designated that person as a person in charge;

(b) The person has had at least 48 hours of experience in transfer operations at a facility in operations to which this part applies. The person also has enough experience at the facility for which qualification is desired to enable the facility operator to determine that the person's experience is adequate;

(c) The person has completed a training and qualification program established by the facility operator and described in the Operations Manual in accordance with § 154.310(a)(21), that provides the person with the knowledge and training necessary to properly operate the transfer equipment at the facility, perform the duties described in paragraph (d) of this section, follow the procedures required by this part, and fulfill the duties required of a person in charge during an emergency, except that the COTP may approve alternative experience and training requirements for new facilities; and

(d) The facility operator must certify that each person in charge has the knowledge of, and skills necessary to—

(1) The hazards of each product to be transferred;

(2) The rules in this part and in part 156 of this chapter;

(3) The facility operating procedures as described in the operations manual;

(4) Vessel transfer systems, in general;

(5) Vessel transfer control systems, in general;

(6) Each facility transfer control system to be used;

(7) Follow local discharge reporting procedures; and

(8) Carry out the facility's response plan for discharge reporting and containment.

(e) Training conducted to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor

(DOL) (29 CFR 1910.1200) or the Environmental Protection Agency (EPA) (40 CFR 311.1), or to meet the requirements of subpart F of this part may be used to satisfy the requirements in paragraphs (c) and (d) of this section, as long as the training addresses the requirements in paragraphs (c) and (d) of this section.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966–1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71–160R, 37 FR 28253, Dec. 21, 1972, as amended by CGD 86–034, 55 FR 36253, Sept. 4, 1990; CGD 93–056, 61 FR 41460, Aug. 8, 1996]

**§ 154.730 Persons in charge: Evidence of designation.**

Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966–1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71–160R, 37 FR 28253, Dec. 21, 1972]

**§ 154.735 Safety requirements.**

Each operator of a facility to which this part applies shall ensure that the following safety requirements are met at the facility:

(a) Access to the facility by fire-fighting personnel, fire trucks, or other emergency personnel is not impeded.

(b) Materials which are classified as hazardous under 49 CFR parts 170 through 179 are kept only in the quantities needed for the operation or maintenance of the facility and are stored in storage compartments.

(c) Gasoline or other fuel is not stored on a pier, wharf, or other similar structure.

(d) A sufficient number of fire extinguishers approved by an independent laboratory listed in 46 CFR 162.028–5 for fighting small, localized fires are in place throughout the facility and maintained in a ready condition.

(e) The location of each hydrant, standpipe, hose station, fire extinguisher, and fire alarm box is conspicuously marked and readily accessible.

(f) Each piece of protective equipment is ready to operate.

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(g) Signs indicating that smoking is prohibited are posted in areas where smoking is not permitted.

(h) Trucks and other motor vehicles are operated or parked only in designated locations.

(i) All rubbish is kept in receptacles.

(j) All equipment with internal combustion engines used on the facility—

(1) Does not constitute a fire hazard; and

(2) Has a fire extinguisher attached that is approved by an independent laboratory listed in 46 CFR 162.028–5, unless such a fire extinguisher is readily accessible nearby on the facility.

(k) Spark arresters are provided on chimneys or appliances which—

(1) Use solid fuel; or

(2) Are located where sparks constitute a hazard to nearby combustible material.

(l) All welding or hot work conducted on or at the facility is the responsibility of the facility operator. The COTP may require that the operator of the facility notify the COTP before any welding or hot work operations are conducted. Any welding or hot work operations conducted on or at the facility must be conducted in accordance with NFPA 51B (incorporated by reference; see §154.106). The facility operator shall ensure that the following additional conditions or criteria are met:

(1) Welding or hot work is prohibited during gas freeing operations, within 30.5 meters (100 feet) of bulk cargo operations involving flammable or combustible materials, within 30.5 meters (100 feet) of fueling operations, or within 30.5 meters (100 feet) of explosives or 15.25 meters (50 feet) of other hazardous materials.

(2) If the welding or hot work is on the boundary of a compartment (*i.e.*, bulkhead, wall or deck) an additional fire watch shall be stationed in the adjoining compartment.

(3) Personnel on fire watch shall have no other duties except to watch for the presence of fire and to prevent the development of hazardous conditions.

(4) Flammable vapors, liquids or solids must first be completely removed from any container, pipe or transfer line subject to welding or hot work.

(5) Tanks used for storage of flammable or combustible substances must

be tested and certified gas free prior to starting hot work.

(6) Proper safety precautions in relation to purging, inserting, or venting shall be followed for hot work on containers;

(7) All local laws and ordinances shall be observed;

(8) In case of fire or other hazard, all cutting, welding or other hot work equipment shall be completely secured.

(m) Heating equipment has sufficient clearance to prevent unsafe heating of nearby combustible material.

(n) Automotive equipment having an internal combustion engine is not refueled on a pier, wharf, or other similar structure.

(o) There are no open fires or open flame lamps.

(p) Electric wiring and equipment is maintained in a safe condition so as to prevent fires.

(q) Electrical wiring and electrical equipment installed after October 4, 1990, meet NFPA 70 (1987) (incorporated by reference, see 33 CFR 154.106).

(r) Electrical equipment, fittings, and devices installed after October 4, 1990, show approval for that use by—

(1) Underwriters Laboratories;

(2) Factory Mutual Research Corporation; or

(3) Canadian Standards Association.

(s) Tank-cleaning or gas-freeing operations conducted by the facility on vessels carrying oil residues or mixtures must be conducted in accordance with sections 11.3 and 11.4 of OCIMF ISGOTT (incorporated by reference, see 33 CFR 154.106), except that—

(1) Prohibitions in ISGOTT against the use of recirculated wash water do not apply if the wash water is first processed to remove product residues;

(2) The provisions in ISGOTT section 11.3.6.10 that removal of sludge, scale, and sediment do not apply if personnel use breathing apparatuses which protect them from the tank atmosphere; and

(3) Upon the request of the facility owner or operator in accordance with 33 CFR 154.107, the COTP may approve the use of alternate standards to ISGOTT if the COTP determines that the alternative standards provide an equal level of protection to the ISGOTT standards.

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(t) Guards are stationed, or equivalent controls acceptable to the COTP are used to detect fires, report emergency conditions, and ensure that access to the marine transfer area is limited to—

(1) Personnel who work at the facility including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business;

(2) Coast Guard personnel;

(3) Other Federal, State, or local governmental officials; and

(4) Other persons authorized by the operator.

(u) Smoking shall be prohibited at the facility except that facility owners or operators may authorize smoking in designated areas if—

(1) Smoking areas are designated in accordance with local ordinances and regulations;

(2) Signs are conspicuously posted marking such authorized smoking areas; and

(3) “No Smoking” signs are conspicuously posted elsewhere on the facility.

(v) Warning signs shall be displayed on the facility at each shoreside entry to the dock or berth, without obstruction, at all times for fixed facilities and for mobile facilities during coupling, transfer operation, and uncoupling. The warning signs shall conform to 46 CFR 151.45–2(e)(1) or 46 CFR 153.955.

[CGD 86–034, 55 FR 36253, Sept. 4, 1990, as amended by CGD 93–056, 61 FR 41460, Aug. 8, 1996; USCG–2001–8661, 74 FR 45022, Aug. 31, 2009; USCG–1999–5150, 78 FR 42618, July 16, 2013]

### § 154.740 Records.

Each facility operator shall maintain at the facility and make available for examination by the COTP:

(a) A copy of the letter of intent for the facility;

(b) The name of each person designated as a person in charge of transfer operations at the facility and certification that each person in charge has completed the training requirements of § 154.710 of this part;

(c) The date and result of the most recent test or examination of each item tested or examined under § 156.170 of this chapter;

(d) The hose information required by § 154.500 (e) and (g) except that marked on the hose;

(e) The record of all examinations of the facility by the COTP within the last 3 years;

(f) The Declaration of Inspection required by § 156.150(f) of this chapter;

(g) A record of all repairs made within the last three years involving any component of the facility's vapor control system required by subpart P of this part;

(h) A record of all automatic shut downs of the facility's vapor control system within the last 3 years; and

(i) Plans, calculations, and specifications of the facility's vapor control system certified under 33 CFR 154.2020 through 154.2025.

(j) If they are not marked as such, documentation that the portable radio devices in use at the facility under § 154.560 of this part are intrinsically safe.

(Approved by the Office of Management and Budget under control number 1625–0060)

[CGD 75–124, 45 FR 7173, Jan. 31, 1980, as amended by CGD 88–102, 55 FR 25429, June 21, 1990; CGD 86–034, 55 FR 36254, Sept. 4, 1990; CGD 93–056, 61 FR 41461, Aug. 8, 1996; USCG–2006–25150, 71 FR 39209, July 12, 2006; USCG–1999–5150, 78 FR 42618, July 16, 2013]

### § 154.750 Compliance with operations manual.

The facility operator shall require facility personnel to use the procedures in the operations manual prescribed by § 154.300 for operations under this part.

[CGD 75–124, 45 FR 7174, Jan. 31, 1980]

## Subpart E [Reserved]

## Subpart F—Response Plans for Oil Facilities

SOURCE: CGD 91–036, 61 FR 7917, Feb. 29, 1996, unless otherwise noted.

### § 154.1010 Purpose.

This subpart establishes oil spill response plan requirements for all marine transportation-related (MTR) facilities (hereafter also referred to as facilities) that could reasonably be expected to cause substantial harm or significant and substantial harm to the